

Union Calendar No. 151

111TH CONGRESS
1ST SESSION

H. R. 905

[Report No. 111-270]

To expand the boundaries of the Thunder Bay National Marine Sanctuary
and Underwater Preserve, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2009

Mr. STUPAK (for himself, Mr. McCOTTER, and Mr. KILDEE) introduced the
following bill; which was referred to the Committee on Natural Resources

SEPTEMBER 29, 2009

Additional sponsor: Mr. EHLERS

SEPTEMBER 29, 2009

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on February 4, 2009]

A BILL

To expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Thunder Bay National*
5 *Marine Sanctuary and Underwater Preserve Boundary*
6 *Modification Act”.*

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) *FINDINGS.*—*Congress makes the following findings:*

9 (1) *Thunder Bay National Marine Sanctuary*
10 *and Underwater Preserve in Lake Huron contains*
11 *more than 100 recorded historic vessel losses.*

12 (2) *The areas immediately surrounding the*
13 *Sanctuary, including the offshore waters of Presque*
14 *Isle and Alcona Counties, Michigan, contain an equal*
15 *number of historic vessel losses.*

16 (3) *Many of these shipwrecks and underwater*
17 *cultural resources are popular recreational diving*
18 *destinations, and all contribute to our collective mari-*
19 *time heritage.*

20 (4) *These resources are susceptible to damage*
21 *from human activities, and must be properly pre-*
22 *served for themselves and to protect the economic via-*
23 *bility of their contribution to national and regional*
24 *economies.*

25 (b) *PURPOSES.*—*The purposes of this Act are—*

1 (1) *to expand the Thunder Bay National Marine*
 2 *Sanctuary and Underwater Preserve boundaries to*
 3 *encompass the offshore waters of Presque Isle and*
 4 *Alcona Counties, Michigan and outward to the inter-*
 5 *national border between the United States and Can-*
 6 *ada; and*

7 (2) *to provide the underwater cultural resources*
 8 *of those areas equal protection to that currently af-*
 9 *forded to the Sanctuary.*

10 **SEC. 3. DEFINITIONS.**

11 *In this Act:*

12 (1) *SANCTUARY.—The term “Sanctuary” means*
 13 *the Thunder Bay National Marine Sanctuary and*
 14 *Underwater Preserve.*

15 (2) *SECRETARY.—The term “Secretary” means*
 16 *the Secretary of Commerce.*

17 **SEC. 4. SANCTUARY BOUNDARY ADJUSTMENT.**

18 (a) *BOUNDARY ADJUSTMENT.—Notwithstanding any*
 19 *provision of law or regulation, including section 922.190*
 20 *of title 15, Code of Federal Regulations, as in effect on the*
 21 *date of the enactment of this Act, the Sanctuary shall con-*
 22 *sist of the geographic area described in subsection (b).*

23 (b) *EXPANDED BOUNDARY ADJUSTMENT.—The area*
 24 *referred to in subsection (a) is all submerged lands, includ-*
 25 *ing the underwater cultural resources, lakeward of the mean*

1 *high waterline, within the boundaries of a line formed by*
2 *connecting points in succession beginning at a point along*
3 *the mean high water line located approximately at*
4 *45.6262N, 84.2043W at the intersection of the northern*
5 *Presque Isle and northeastern Cheboygan County boundary,*
6 *then north to a point approximately 45.7523N, 84.2011W,*
7 *then northeast to a point approximately 45.7777N,*
8 *84.1231W, then due east to the international boundary be-*
9 *tween the United States and Canada approximately located*
10 *at 45.7719N, 83.4840W then following the international*
11 *boundary between the United States and Canada in a gen-*
12 *erally southeasterly direction to a point approximately*
13 *44.5128N, 83.3186W at the intersection of the southern*
14 *Alcona County and northern Iosco County boundary, re-*
15 *turning to the first point along the mean high water line.*

16 *(c) AUTHORITY TO MAKE MINOR ADJUSTMENTS.—The*
17 *Secretary may make minor adjustments to the boundary*
18 *described in subsection (b) to facilitate enforcement and*
19 *clarify the boundary to the public provided the resulting*
20 *boundary is consistent with the purposes described in sec-*
21 *tion 2(b).*

22 *(d) INCLUSION IN THE SYSTEM.—The area described*
23 *in subsection (b), as modified in accordance with subsection*
24 *(c), shall be managed as part of the National Marine Sanc-*
25 *tuary System established by section 301(c) of the National*

1 *Marine Sanctuaries Act (16 U.S.C. 1431(c)), in accordance*
2 *with that Act.*

3 (e) *UPDATED NOAA CHARTS.*—*The Secretary shall—*

4 (1) *produce updated National Oceanic and At-*
5 *mospheric Administration charts for the area in*
6 *which the Sanctuary is located; and*

7 (2) *include on such charts the boundaries of the*
8 *Sanctuary described in subsection (b), as modified in*
9 *accordance with subsection (c).*

10 **SEC. 5. EXTENSION OF REGULATIONS AND MANAGEMENT.**

11 (a) *REGULATIONS.*—*The regulations applicable to the*
12 *Sanctuary codified in subpart R of part 922 of title 15,*
13 *Code of Federal Regulations, as in effect on the date of the*
14 *enactment of this Act, shall apply to the geographic area*
15 *added to the Sanctuary pursuant to section 4, unless the*
16 *Secretary specifies otherwise by regulation.*

17 (b) *EXISTING CERTIFICATIONS.*—*The Secretary may*
18 *certify that any license, permit, approval, other authoriza-*
19 *tion, or right to conduct a prohibited activity made pursu-*
20 *ant to section 922.194 of title 15, Code of Federal Regula-*
21 *tions, that exists on the date of the enactment of this Act*
22 *shall apply to such an activity conducted within the geo-*
23 *graphic area added to the Sanctuary pursuant to section*
24 *4.*

1 (c) *DATE OF SANCTUARY DESIGNATION.*—*For pur-*
2 *poses of section 922.194 of title 15, Code of Federal Regula-*
3 *tions, the date of the enactment of this Act shall be deemed*
4 *to be the date of Sanctuary designation.*

5 (d) *MANAGEMENT PLAN.*—*To the extent practicable,*
6 *the Secretary shall apply the management plan in effect*
7 *for the Sanctuary on the date of the enactment of this Act*
8 *to the geographic area added to the Sanctuary pursuant*
9 *to section 4.*

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